

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # CD-2012-0119  
ROW # 10827076

TP-0 111070402

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 2400 West 2<sup>th</sup> ST AUSTIN, TX 78703

LEGAL DESCRIPTION: Subdivision - LOT 8 BLK A TIMBERLAKE ADDN.

Lot(s) 8 Block A Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We ELPI CONSTANTINOU on behalf of myself/ourselves as authorized agent for

\_\_\_\_\_ affirm that on 8/24/2012

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

\_\_\_ ERECT \_\_\_ ATTACH \_\_\_ COMPLETE \_\_\_ REMODEL  MAINTAIN

ALL 8' FENCE ALONG WEST PROPERTY LINE.

in a SF-3-NP district.  
(zoning district)

WEST AUSTIN NEIGHBORHOOD PLAN.

**NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.**

**VARIANCE FINDINGS:** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

\_\_\_\_\_

\_\_\_\_\_

*All attached*

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

NEIGHBOR LIVING TO THE WEST OF MY HOUSE  
IS NOT RESPECTING HIS BOUNDARIES.

- (b) The hardship is not general to the area in which the property is located because:

\_\_\_\_\_

\_\_\_\_\_

*All attached*

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

ONLY ERECTING AN 8' CEDAR FENCE ALONG  
WEST SIDE OF PROPERTY.

**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

\_\_\_\_\_

\_\_\_\_\_

C15-2012-0119

#### Reasonable Use

1. The zoning regulations applicable to the property do not allow for reasonable use because:

As a single woman living next door to a single man, I have no privacy between my house and my next door neighbor's house. He trespasses onto my property, at will, day or night. Comes into my back yard, which is gated and fenced, by forcing and breaking my locks to enter. I have been home with friends and they have also seen him trespassing while we were there. To enter through my back gate, he walks passed my front bedroom window, passes my dining room, and enters my backyard gate to my back master bedroom.

I have taken pictures from my backyard of my old 6ft fence near his bedroom windows and it is clearly visible that the fence is not providing me with adequate privacy.

I didn't have a privacy fence in the front of my house separating our property, but I had a 6FT privacy fence in my backyard. His property sits higher than mine, so all his windows are 2 feet higher above my 6 ft fence which means I don't have adequate privacy from him because he can stand behind any of his Windows and look directly into my windows. When he goes to his bathroom, I can see him when I am sitting at my dining table. When he is in his bedroom, he can see directly over my 6ft privacy fence, and can look directly into my master bad room.

I have pictures that were taken inside my house through windows showing that all his windows along the side of his house are set higher than my old 6ft fence.

#### Hardship

2. (a) The hardship for which the variance is requested id unique to the property in that:

In that my neighbor by the name of Phil Conard, has not respected his boundaries and has walked onto my property, especially into my backyard at different times if day and night, whether I was home or not.

Several times, I have been seen by my neighbor stepping out of the shower, or sitting on toilet, and I've heard him calling and looking for his cats near my bedroom windows as I was still laying down in my bed asleep early in the morning.

Several times throughout the years, during the day, someone has entered my backyard gate and stole my lawn mower. I've decided to build a barricade made of boulders/rocks to keep anyone walking in. I have come home from work and noticed the boulders being moved away from the gate. I suspected raccoons were moving the boulders because I'd seen them roaming around my back yard at night. I even mentioned to my neighbor that the boulders were being pushed and the gate being forced open, and he didn't say it was him that was forcing my gate open to enter my backyard.

Back in early July, 2012, I was at home doing house work in my dining room, and I heard him and seen him reach down at the bottom of my gate for the boulders that I had set there the summer prior. For the first time in a year, I realized that my neighbor was pushing those boulders to still get in my backyard at will.

I decided to locked my gate with a padlock and came home and found the gate forced open and unlocked. I used another lock the next day and came home and found the lock removed and the gate open once again. I locked it again for the 3rd time, and I placed a no-trespassing sign on my gate, which

fueled his temper when he returned the next day to enter my backyard. A friend of mine was in my house at the time and witnessed my neighbor acting in rage when he saw the no trespassing sign and the pad lock. My next door neighbor was seen acting in rage pouring urine over my no- trespassing sign and pad lock, throwing my recycle can on to my gate trying to break my pad lock, and then opening up my electrical breaker box to cause an electrical serge in my home. Then with even more rage, he through mood on my dining room windows.

The police were called and he was warned to stay away and not communicate with me, not to come onto my property, and to not commit any criminal mischief. They told him he had committed a criminal mischief by destroying any of my property, and was trespassing. The next day, even after the police warned him to stay away, I saw him walking across my driveway, and then standing on my property waving at me, staring at me through my front house windows trying to intimidate me.

(b) The hardship is not general to this area in which the property is located because:

My neighbor, Phil Conard, has no respect for my property and privacy. He has no boundaries either.

#### Area Character

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the regulations of the zoning district in which the property is located because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 2400 W. 7th ST

City, State & Zip AUSTIN ; TX 78703

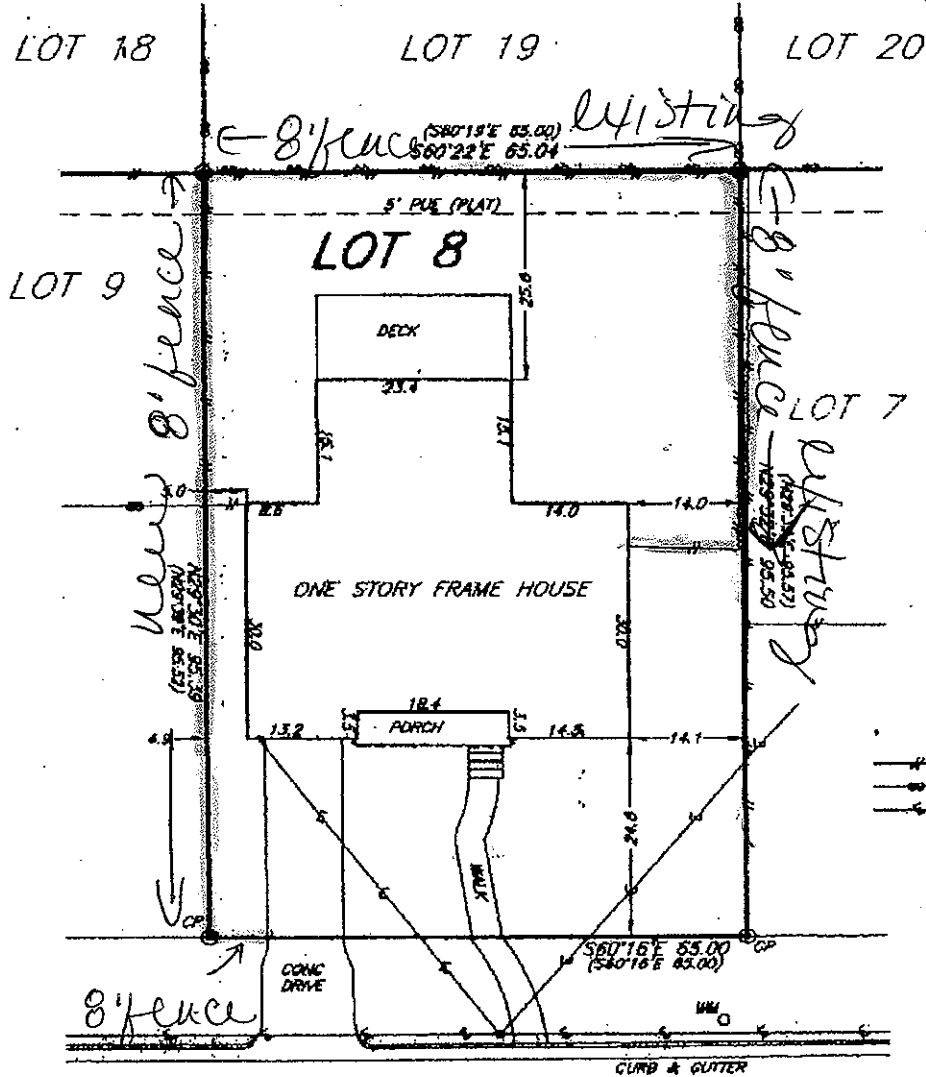
Printed ELPI CONSTANTINOU Phone 512-9133029 Date 08/24/12 .

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 2400 W. 7th ST.

City, State & Zip AUSTIN ; TX 78703

Printed ELPI CONSTANTINOU Phone 512-9133029 Date 08/24/12 .



SCALE: 1"=20'

**LEGEND**

- CP = CONTROL POINT
- ⊙ = IRON PIPE FOUND
- |— = WOOD FENCE
- = CHAIN LINK FENCE
- = OVERHEAD ELECTRIC
- { } = FROM PLAT RECORDS
- [ ] = FROM DEED RECORDS

**WEST 7th STREET**  
 ROW VARIES ASPHALT

ADDRESS: 2400 WEST 7th STREET, AUSTIN TEXAS, 78703

**LEGAL DESCRIPTION:**

LOT 8, BLOCK A, TIMBERLAKE ADDITION, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT OF RECORD IN VOLUME 4, PAGE 223, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

**F.I.R.M. STATEMENT:** ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) No. 480624-0205-E, DATED 08/18/93, THIS PROPERTY IS LOCATED IN ZONE X, DEFINED THEREON AS "AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN...".  
**DISCLAIMER:** THIS STATEMENT AND THE F.I.R.M. FROM WHICH IT WAS DEVELOPED ARE FOR ADMINISTRATION OF THE NATIONAL FLOOD INSURANCE PROGRAM ONLY. THE F.I.R.M. DOES NOT NECESSARILY IDENTIFY ALL AREAS SUBJECT TO FLOODING; PARTICULARLY FROM LOCAL DRAINAGE SOURCES OF SMALL SIZE, OR ALL PLANIMETRIC FEATURES OUTSIDE SPECIAL FLOOD HAZARD AREAS. THE COMMUNITY MAP REPOSITORY SHOULD BE CONSULTED FOR POSSIBLE FLOOD HAZARD INFORMATION PRIOR TO THE USE OF THIS MAP FOR PROPERTY PURCHASE OR CONSTRUCTION PURPOSES."

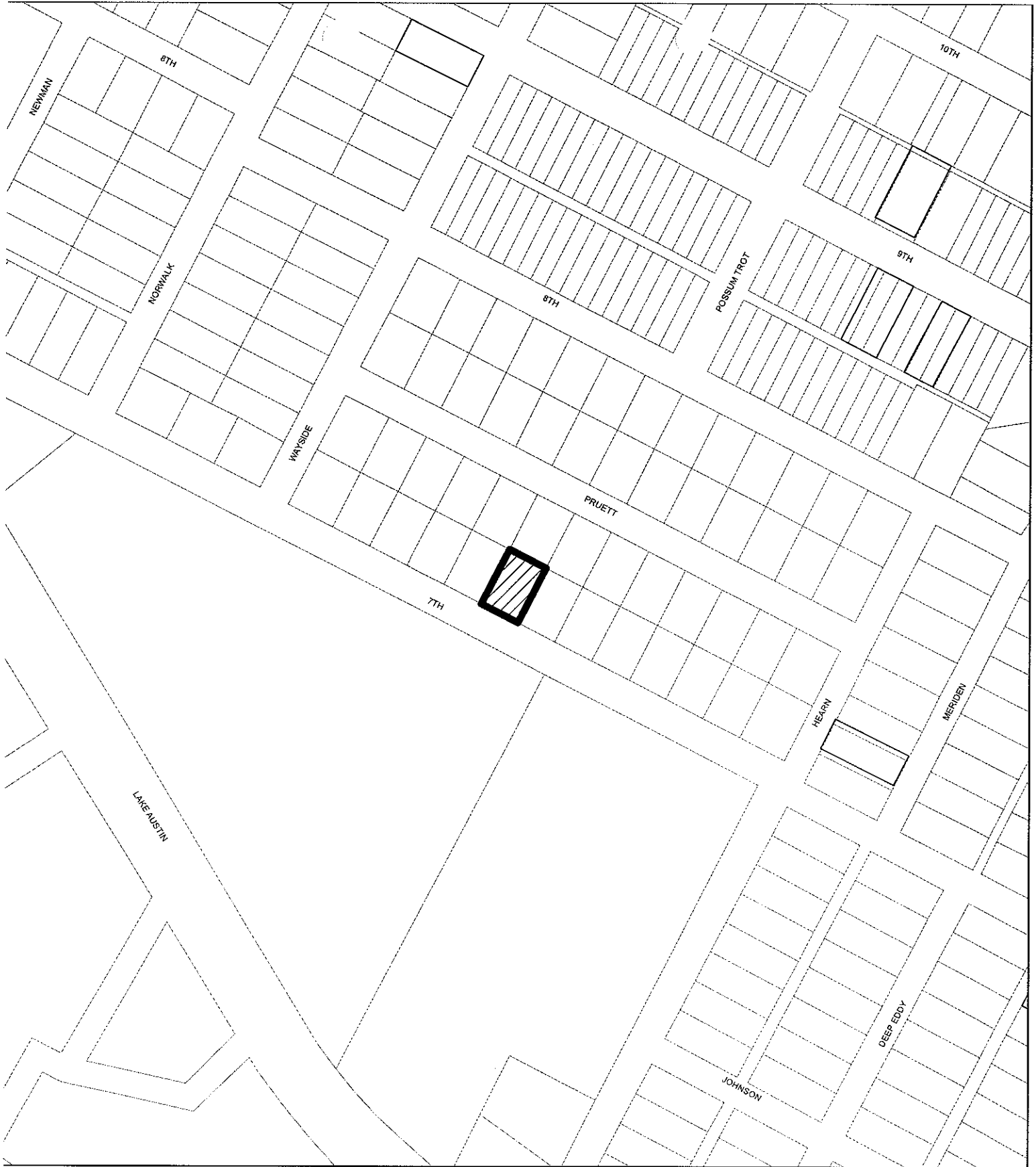
**CERTIFICATION**

THE UNDERSIGNED DOES HEREBY CERTIFY TO THE PARTIES LISTED BELOW THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UPON THE GROUND OF THE PROPERTY SHOWN HEREON, AND THAT THERE ARE NO ENCROACHMENTS OF VISIBLE IMPROVEMENTS, EXCEPT AS SHOWN HEREON, AND THAT THIS PROPERTY HAS ACCESS TO A PUBLIC ROADWAY, EXCEPT AS SHOWN HEREON.

BURERS: SHARON BAZZAZ AND ELPI CONSTANTINO  
 SETTER: CHRISTOPHER W. NULL AND KRIST H. NULL  
 LENDER: NATIONAL CITY MORTGAGE CO.  
 TITLE CO: NORTH AMERICAN TITLE CO.

G.P.#: 115484



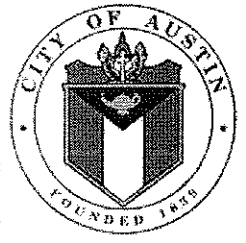


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C15-2012-0119  
 LOCATION: 2400 WEST 7TH ST



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.